

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2019

Coram

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A.No.2772 of 2018
and
C.M.P.No.21105 of 2018

S.Chidambaram @ Elango ... Appellant

vs.

Mangalapoorani ... Respondent

Appeal filed under Section 19 (1) of the Family Courts Act, 1984 against the order and decretal order dated 11.10.2018 made in I.A.No.258 of 2018 in H.M.O.P.No.1620 of 2017 on the file of Additional Principal Family Judge at Coimbatore.

For Appellant : Mr.R.Nandhakumar

For Respondent : Mr.P.Suresh Babu

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant/husband, challenging the interim maintenance awarded by the Court below for a sum of Rs.12,000/- per month.

2.Learned counsel appearing for the appellant would submit that the appellant does not have any means and he himself is suffering from illness and he has also produced the medical reports along with Ex.R1.

3.Learned counsel appearing for the respondent would submit that inasmuch as the appellant has not specifically denied the averments made, the order of the Court below does not require interference.

4.Both the appellant and the respondent married for the second time and there is no child born out of wedlock. However, we find that the appellant did not specifically deny the status though the learned counsel appearing for the appellant seeks to contend that the appellant is unable to do his normal activity. Under those circumstances, the Court below fixed the interim maintenance, which, in its considered opinion, is reasonable. We find that the Family Court did not pass the order based upon the material which was not available. However, considering the difficulties expressed, especially when there is no dispute on the medical reports submitted by the appellant coupled with the fact that there was no child born out of wedlock, we deem it appropriate to reduce the interim maintenance awarded at Rs.12,000/- per month to Rs.9,000/- per month.

5.Accordingly, the Civil Miscellaneous Appeal is allowed to the extent indicated above. Taking into consideration the fact that H.M.O.P.No.1620 of 2017 is pending from 2017 onwards, we call upon the Additional Principal Judge, Family Court, Coimbatore to dispose of the same within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mmi
To

The Judge, Additional Principal Family Court,
Coimbatore.

+1cc to Mr.P.Suresh Babu , Advocate SR.No. 14372

+1cc to Mr.Nandhakumar , Advocate SR.No. 14321

A.SK (03/05/2019)

C.M.A.No.2772 of 2018

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